

City of Round Rock
Special Called and Regular City Council Meeting
November 12, 2009

The Round Rock City Council met in Regular Session on Thursday, November 12, 2009, in the City Council Chamber, 221 E. Main Street.

[CALL WORK SESSION TO ORDER - 6:00 P.M.](#)

Mayor McGraw called the work session to order at 6:05p.m.

[ROLL CALL](#)

Those members present were Mayor Alan McGraw, Mayor Pro-Tem Joe Clifford, Councilmember Rufus Honeycutt, Councilmember George White, Councilmember Carlos Salinas, Councilmember John Moman, and Councilmember Kris Whitfield. Also present were Jim Nuse, City Manager, David Kautz, Assistant City Manager/CFO, Cindy Demers, Assistant City Manager and Steve Sheets, City Attorney. No one was absent from this meeting.

[PRESENTATIONS:](#)

[3A. Consider a presentation and discussion regarding the selection of engineering and architectural firms, construction contractors and vendors.](#)

Tom Word, Chief of Public Works Operations made the staff presentation.

[EXECUTIVE SESSION:](#)

[4A. Possible executive session as authorized by § 551.071 of the Government Code regarding consultation with the City Attorney regarding statutory and case law with respect to the selection of engineering and architectural firms, construction contractors and vendors.](#)

The Council recessed into Executive Session. Mayor McGraw called the session to order at 6:08 p.m. and adjourned it at 6:37 p.m.

[3A. Consider a presentation and discussion regarding the selection of engineering and architectural firms, construction contractors and vendors.](#)

[ADJOURNMENT](#)

There being no further business, the work session adjourned at 7:04pm.

[CALL REGULAR SESSION TO ORDER - 7:00 P.M.](#)

Mayor McGraw called the regular meeting to order at 7:05 p.m.

[ROLL CALL](#)

Those members present were Mayor Alan McGraw, Mayor Pro-Tem Joe Clifford, Councilmember Rufus Honeycutt, Councilmember George White, Councilmember Carlos Salinas, Councilmember John Moman, and Councilmember Kris Whitfield. Also present were Jim Nuse, City

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas

Councilmember Moman
Councilmember Whitfield
Mayor Pro-tem Clifford
Mayor McGraw

Nays: None

Absent: None

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*7A. Consider approval of the City Council minutes for the October 22, 2009 Special Called

Work Session and Regular Meeting. This item was approved under the consent agenda.

PRESENTATIONS:

8A1. Consider a presentation regarding the Transportation Capital Improvement Program (TCIP) quarterly update.

Tom Word, Chief of Public Works Operations made the staff presentation.

Mayor McGraw went out of order of the agenda with the unanimous consent of the City Council and considered the following item:

10B1. Consider a resolution authorizing the Mayor to execute a Loan Agreement with the Old Settlers Association regarding the antique pumper fire truck.

Dale Ricklefs, Library Director made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember White
Councilmember Salinas
Councilmember Moman
Councilmember Whitfield
Mayor Pro-tem Clifford
Mayor McGraw

Nays: None

Absent: None

ACTION: The motion carried unanimously.

Mayor McGraw continued with the regular order of the agenda.

ORDINANCES:

*9A1. Consider an ordinance adopting the Community Development Block Grant budget for fiscal year 2009-2010. (Second Reading) This ordinance was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A BUDGET FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE 2009-2010 FISCAL YEAR.

[9B1. Consider an ordinance amending the temporary 35-mph construction zone on Old Settlers Boulevard from Bluffs Landing Way to Brenda Lane. \(First Reading\)\(Requires Two Readings\)](#)

Tom Word, Chief of Public Works Operations made the staff presentation.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.504, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AMENDING THE TEMPORARY CONSTRUCTION SPEED ZONE FOR A PORTION OF OLD SETTLERS BOULEVARD; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem Clifford moved to approve the ordinance. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

*9C1. Consider an ordinance adopting Amendment No. 2 to the FY 2008-2009 Operating Budget. (Second Reading) This item was approved under the consent agenda.

[9C2. Consider an ordinance adopting the Second Supplemental Ordinance to the Master Ordinance Establishing the City of Round Rock, Texas Utility System Revenue Financing Program. \(First Reading\)](#)

Cheryl Delaney, Finance Director made the staff presentation and then introduced Gary Kimball, Financial Advisor who went over the details of the bond sale.

ORDINANCE NO. _____

SECOND AMENDMENT ORDINANCE TO THE MASTER ORDINANCE ESTABLISHING THE CITY OF ROUND ROCK, TEXAS UTILITY SYSTEM REVENUE FINANCING PROGRAM.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Councilmember White seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

RESOLUTIONS:

[10A1. Consider a resolution authorizing the Mayor to execute Supplemental Contract No. 2 with Huggins/Seiler & Associates, L.P. for the North Mays Extension/Arterial "M" from Jeffrey Way to Old Settlers Boulevard Project.](#)

Tom Word, Chief of Public Works made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Moman seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

[10C1. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement with Public Employee Benefits Alliance \(PEBA\).](#)

David Kautz, Assistant City Manager/CFO made the staff presentation.

MOTION: Mayor Pro-tem Clifford moved to approve the resolution. Councilmember Salinas seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

[10D1. Consider a resolution authorizing the Mayor to execute a Community Development Block Grant Agreement with the YMCA.](#)

Liz Alvarado, CDBG Assistant made the staff presentation.

MOTION: Councilmember Whitfield moved to approve the resolution. Councilmember Moman seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas
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Councilmember Moman
Councilmember Whitfield
Mayor Pro-tem Clifford
Mayor McGraw

Nays: None

Absent: None

ACTION: The motion carried unanimously.

10E1. Consider a resolution authorizing the Mayor to execute a Grant Notification Form from the Homeland Security Grant Program accepting funds of \$115,822.00 for Phase 1 of the regional sheltering system and transport trailer.

Brad Bradford, Emergency Management Coordinator made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember White
Councilmember Salinas
Councilmember Moman
Councilmember Whitfield
Mayor Pro-tem Clifford
Mayor McGraw

Nays: None

Absent: None

ACTION: The motion carried unanimously.

10E2. Consider a resolution authorizing the Mayor to execute a Grant Notification Form from the Homeland Security Grant Program accepting funds of \$202,455.00 for Phase 2 of the regional sheltering system and transport trailer.

Brad Bradford, Emergency Management Coordinator made the staff presentation.

MOTION: Councilmember Salinas moved to approve the resolution. Councilmember Moman seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember White
Councilmember Salinas
Councilmember Moman
Councilmember Whitfield
Mayor Pro-tem Clifford
Mayor McGraw

Nays: None

Absent: None

ACTION: The motion carried unanimously.

10F1. Consider a resolution approving the Operating Budget for the Round Rock Transportation System Development Corporation for FY 2009-2010.

Cheryl Delaney, Finance Director made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[10F2. Consider a resolution casting a vote for the Travis Central Appraisal District Board of Directors.](#)

Cheryl Delaney, Finance Director made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[10F3. Consider a resolution casting votes for the Williamson Central Appraisal District Board of Directors.](#)

Cheryl Delaney, Finance Director made the staff presentation.

MOTION: Councilmember Whitfield moved to approve the resolution. Mayor Pro-tem Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[10G1. Consider a resolution authorizing the Mayor to execute a construction contract with SKE Construction, LLC for the Greenslopes A/C Water Line Replacement Project.](#)

Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember White moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[10G2. Consider a resolution approving the revised Brushy Creek Regional Utility Authority \(BCRUA\) Administrative Operating Budget for fiscal year 2009-2010.](#)

Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember White moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[10G3. Consider a resolution authorizing the Mayor to execute Amendment No. 1 to the Interlocal Agreement with Cedar Park and Leander regarding Due Diligence Services for the Deep Water Intake Site for the Regional Water System Project.](#)

Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember White moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[10G4. Consider a resolution authorizing the Brushy Creek Regional Utility Authority to execute an Agreement with Jacobs Engineering Group, Inc. for Construction Phase Services for Phase 1A of the Regional Water Supply Project.](#)

Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember White moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

[10G5. Consider a resolution authorizing the Brushy Creek Regional Utility Authority to execute an Agreement with Dial Development Services, Ltd. for Construction Inspection/Observation Services Contract 1, Phase 1 for the Raw Water Pipeline Project.](#)

Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember White moved to approve the resolution. Councilmember Whitfield seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

[10G6. Consider a resolution authorizing the Brushy Creek Regional Utility Authority to execute an engagement letter with Brockway, Gersbach, Franklin, & Niemeier, P.C. for the BCRUA annual audit.](#)

Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember White moved to approve the resolution. Councilmember Salinas seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
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Councilmember White
Councilmember Salinas
Councilmember Moman
Councilmember Whitfield
Mayor Pro-tem Clifford
Mayor McGraw

Nays: None

Absent: None

ACTION: The motion carried unanimously.

COUNCIL COMMENTS REGARDING ITEMS OF COMMUNITY INTEREST

EXECUTIVE SESSION:

12A. Executive Session as authorized by §551.072, Government Code, related to the purchase of certain property interests for the proposed Chisholm Trail Improvement Project from Diana Hall, et al. (Parcel 20)

12B. Executive Session as authorized by §551.072, Government Code, related to the purchase of certain property interests for the proposed Chisholm Trail Improvement Project from Ricardo Zuniga. (Parcel 15)

12C. Executive Session as authorized by §551.072, Government Code, related to the purchase of certain property interests for the proposed Chisholm Trail Improvement Project from David William Duffey and Kaori Mori Duffey. (Parcel 8E)

12D. Executive Session as authorized by §551.072, Government Code, related to the purchase of certain property interests for the Intermodal Transit and Parking Facility Project from Dain Jay Johnson. (307 W. Main)

The Council recessed into Executive Session. Mayor McGraw called the session to order at 8:30 p.m. and adjourned it at 9:00 p.m.

ORDINANCES:

9D1. Consider an ordinance determining the necessity and authorizing the condemnation of certain property interests for the proposed Chisholm Trail Improvement Project from Diana Hall, et al. (Parcel 20) (First Reading)

Steve Sheets, City Attorney made the staff presentation in executive session.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF ROUND ROCK, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF A FEE SIMPLE INTEREST IN AND TO APPROXIMATELY 0.1560 ACRES; GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT AND MAINTAIN IMPROVEMENTS FOR THE CITY OF ROUND ROCK CHISHOLM TRAIL IMPROVEMENT PROJECT, AND ASSOCIATED PUBLIC USE AND PURPOSES; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF

SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

MOTION: Mayor Pro-Tem Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of the Council and adopt the ordinance. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[9D2. Consider an ordinance determining the necessity and authorizing the condemnation of certain property interests for the proposed Chisholm Trail Improvement Project from Ricardo Zuniga. \(Parcel 15\) \(First Reading\)](#)

Steve Sheets, City Attorney made the staff presentation in executive session.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF ROUND ROCK, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF A FEE SIMPLE INTEREST IN AND TO APPROXIMATELY 0.0292 ACRES; GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT AND MAINTAIN IMPROVEMENTS FOR THE CITY OF ROUND ROCK CHISHOLM TRAIL IMPROVEMENT PROJECT, AND ASSOCIATED PUBLIC USE AND PURPOSES; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Mayor Pro-Tem Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas

Councilmember Moman
Councilmember Whitfield
Mayor Pro-tem Clifford
Mayor McGraw

Nays: None
Absent: None

ACTION: The motion carried unanimously.

MOTION: Mayor Pro-Tem Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of the Council and adopt the ordinance. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember White
Councilmember Moman
Councilmember Whitfield
Mayor Pro-tem Clifford
Mayor McGraw

Nays: Councilmember Salinas
Absent: None

ACTION: The motion did not carry. The vote to dispense with the second reading must be unanimous. Second reading will be held on November 24, 2009.

[9D3. Consider an ordinance determining the necessity and authorizing the condemnation of certain property interests for the proposed Chisholm Trail Improvement Project from David William Duffey and Kaori Mori Duffey. \(Parcel 8E\) \(First Reading\)](#)

Steve Sheets, City Attorney made the staff presentation in executive session.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF ROUND ROCK, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF A PUBLIC UTILITY EASEMENT INTEREST IN AND ACROSS APPROXIMATELY 0.0279 ACRES; GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT AND MAINTAIN IMPROVEMENTS FOR THE CITY OF ROUND ROCK CHISHOLM TRAIL IMPROVEMENT PROJECT, AND ASSOCIATED PUBLIC USE AND PURPOSES; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember White
Councilmember Salinas
Councilmember Moman
Councilmember Whitfield
Mayor Pro-tem Clifford
Mayor McGraw

Nays: None
Absent: None

ACTION: The motion carried unanimously.

The Council did not dispense with the second reading; it will be held on November 24, 2009.

[9D4. Consider an ordinance determining the necessity and authorizing the condemnation of certain property interests for the Intermodal Transit and Parking Facility Project from Dain Jay Johnson. \(307 W. Main\) \(First Reading\)](#)

Steve Sheets, City Attorney made the staff presentation in executive session.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF ROUND ROCK, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF A FEE SIMPLE INTEREST IN AND TO APPROXIMATELY 0.287 ACRES; GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT AND MAINTAIN IMPROVEMENTS FOR THE CITY OF ROUND ROCK INTERMODAL TRANSIT AND PARKING FACILITY PROJECT, AND ASSOCIATED PUBLIC USE AND PURPOSES; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Mayor McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Whitfield Mayor McGraw
	Nays:	Councilmember Salinas Councilmember Moman Mayor Pro-tem Clifford
	Absent:	None

ACTION: The motion carried with 4 ayes and 3 nays.

The Council did not dispense with the second reading; it will be held on November 24, 2009.

[ADJOURNMENT](#)

There being no further business, the meeting adjourned at 9:11p.m.

Respectfully Submitted,

Sara L. White, City Secretary